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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,043	03/31/2004	Satoru Fujita	03USFP932-K.N.	4146
21254	7590	10/13/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NGUYEN, CHAUT	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,043	FUJITA, SATORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chau Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 16 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/13/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

1. Claims 1-5 and 16 are presented for examination.

***Election/Restrictions***

2. Applicant's election of group I, claims 1-5 and 16 is acknowledged.

Claims 6-15 and 17-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/28/2006.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan, US Patent Application Publication No. 2004/0028049,

and further in view of Worden, US Patent Application Publication No. 2003/0149934.

5. As to independent claims 1 and 16, Wan discloses a computer system comprising:

a sending computer including an encoder module encoding an internal representation of structured document to generate an encoded document (pages 2-3, paragraphs [0035], [0038], and page 5, paragraph [0073]: computer system 800 (sending computer) performs an XML encoding function such as encoding an XML document (structured document) using encoder 302); and

a receiving computer including a decoder module which receives said encoded document through a network, and decodes said encoded document to reproduce said internal representation (pages 2-3, paragraphs [0035], [0038], and page 5, paragraph [0075]: server computer 850 (receiving computer) performs an XML decoding function (using decoder 402) such as decoding the encoded XML document receiving from the computer system 800 over the communications network 820),

wherein said encoder module lists texts and structures included within said structured document thereby generate validation information, and incorporates said validation information into said encoded document (page 3, paragraphs [0043]-[0044], and page 5, paragraph [0076]: encoding XML document is to encode the tree hierarchy of the document, the structure of the

document and the text contained therein can be concatenated into a single stream, and generating the structure segment (validation information); and

wherein said decoder module includes a validation module which is responsive to said validation information to validate whether a data structure of said reproduced internal representation is in compliance with a predetermined document type declaration (page 5, paragraph [0076]: xml documents have been validated against their DTD's or schemas (predetermined document type declaration)).

However, Wan does not explicitly disclose the structure document includes text and structures without duplication. Worden discloses xml structure tree diagram showing the possible nesting structure of element without repetition of the repeatable elements (page 6, paragraph [0089], page 25, paragraphs [0457], [0483]). Since Worden teaches structure of an XML document, which is similar to a structure of a document described by a hierarchical representation of Wan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Worden into Wan to include the structure of document which does not have duplication of elements or attributes for the purpose of providing instance of the entity which can have its own unique value for the attribute.

6. As to dependent claim 2, Wan discloses wherein said validation information includes a text content list which lists text contents of text-including

elements described in said internal representation (Wan, page 3, paragraphs [0043]-[0044], pages 4-5, paragraph [0059]-[0070] and paragraph [0076]: encoding XML document is to encode the tree hierarchy of the document, the structure of the document and the text contained therein can be concatenated into a single stream, and generating the structure segment (validation information) which include document hierarchy, document type, element name, attribute names, etc...),

wherein said document type declaration includes an element type declaration which defines types of said text-including elements (Wan, page 3, paragraphs [0049]-[0050] and page 4, paragraph [0058]: identifying each data type of XML document, each data type corresponding with the encoding format of the XML document), and

wherein said validation module validates whether said text-including elements are in compliance with said defined types (page 5, paragraph [0076]: xml documents have been validated against their DTD's or schemas (predetermined document type declaration)).

However, Wan does not explicitly disclose the structure document includes text and structures without duplication. Worden discloses xml structure tree diagram showing the possible nesting structure of element without repetition of the repeatable elements (page 6, paragraph [0089], page 25, paragraphs [0457], [0483]). Since Worden teaches structure of an XML document, which is

similar to a structure of a document described by a hierarchical representation of Wan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Worden into Wan to include the structure of document which does not have duplication of elements or attributes for the purpose of providing instance of the entity which can have its own unique value for the attribute.

7. As to dependent claim 3, Wan discloses wherein said validation information includes an attribute value list which lists attribute values of attributes associated with elements described in said internal representation (page 4, paragraphs [0059]-[0064]: the structure segment (validation information) include code tables for element names, attribute names and attribute values),

wherein said document type declaration includes an attribute type declaration which defines attribute types of said attributes (Wan, page 3, paragraphs [0049]-[0050] and page 4, paragraph [0058]: identifying each data type of XML document, each data type corresponding with the encoding format of the XML document), and

wherein said validation module validates whether said elements having said attributes are in compliance with said defined attributes types (page 5, paragraph [0076]: xml documents have been validated against their DTD's or schemas (predetermined document type declaration)).

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However, Wan does not explicitly disclose the structure document includes text and structures without duplication. Worden discloses xml structure tree diagram showing the possible nesting structure of element without repetition of the repeatable elements (page 6, paragraph [0089], page 25, paragraphs [0457], [0483]). Since Worden teaches structure of an XML document, which is similar to a structure of a document described by a hierarchical representation of Wan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Worden into Wan to include the structure of document which does not have duplication of elements or attributes for the purpose of providing instance of the entity which can have its own unique value for the attribute.

8. As to dependent claim 4, Wan discloses wherein validation information includes a partial structure list which lists partial structures within said internal representation (pages 4-5, paragraphs [0059]-[0068]): the structure segment (validation information) includes number of sections, each section indicating the section type), and

wherein said validation module validates whether said partial structures are in compliance with a syntax defined in said document type declaration (page 5, paragraph [0076]: xml documents have been validated against their DTD's or schemas (predetermined document type declaration)).

However, Wan does not explicitly disclose the structure document includes text and structures without duplication. Worden discloses xml structure tree diagram showing the possible nesting structure of element without repetition of the repeatable elements (page 6, paragraph [0089], page 25, paragraphs [0457], [0483]). Since Worden teaches structure of an XML document, which is similar to a structure of a document described by a hierarchical representation of Wan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Worden into Wan to include the structure of document which does not have duplication of elements or attributes for the purpose of providing instance of the entity which can have its own unique value for the attribute.

***Allowable Subject Matter***

9. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
Patent Examiner  
Art Unit 2176

*William F. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**